

EXHIBIT A

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

Tesoro Refining And Marketing Co., Llc, Tesoro Companies, Inc., Tesoro Petroleum, Inc.,
Emie Carmona, Victor Guerrero, And Does 1 To 100, Inclusive,

RECEIVED

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Shari Lawton

JUN 30 2014

TESORO OFFICE OF
GENERAL COUNSEL

MAY 23 2014

Sherril R. Carter, Executive Officer/Clerk
By: Krisina Vargas, Deputy

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.suocorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte la que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.suocorte.ca.gov) o pidiéndoselos en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desecher el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Stanley Mosk Courthouse, Central
111 North Hill Street

Los Angeles, 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Carney R. Shegerian, Esq. (SBN 150461)
(310)860-0770

Shegerian & Associates, Inc.

225 Arizona Avenue, Suite 400, Santa Monica, CA 90401

DATE: SHERRI R. CARTER

Clerk, by
(Secretario)

Kristina Vargas

Deputy
(Adjunto)

CASE NUMBER
(Número del caso): 546613

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

MAY 23 2014

- ☒ on behalf of (specify): Tesoro Petroleum, Inc.

under:

- | | |
|--|---|
| <input checked="" type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.80 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |

- ☐ other (specify):

- ☐ by personal delivery on (date):

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Superior Court Of California
County Of Los Angeles

MAY 23 2014

Sherri R. Carter, Executive Officer/Clerk
By: Kristina Vargas, Deputy

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Attorneys for Plaintiff,
SHARI LAWTON

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

SHARI LAWTON,

Plaintiff,

vs.

TESORO REFINING AND
MARKETING CO., LLC, TESORO
COMPANIES, INC., TESORO
PETROLEUM, INC., ERNIE
CARMONA, VICTOR GUERRERO,
and DOES 1 to 100, inclusive,

Defendants.

Case No.: BC546613

**PLAINTIFF SHARI LAWTON'S
COMPLAINT FOR DAMAGES FOR:**

- (1) DISCRIMINATION ON THE BASIS
OF RACE IN VIOLATION OF FEHA;**
- (2) HARASSMENT ON THE BASIS OF
RACE IN VIOLATION OF FEHA;**
- (3) RETALIATION FOR
COMPLAINING OF
DISCRIMINATION AND/OR
HARASSMENT ON THE BASIS OF
RACE IN VIOLATION OF FEHA;**
- (4) DISCRIMINATION ON THE BASIS
OF DISABILITY IN VIOLATION OF
FEHA;**
- (5) HARASSMENT ON THE BASIS OF
DISABILITY IN VIOLATION OF
FEHA;**
- (6) RETALIATION FOR
COMPLAINING OF
DISCRIMINATION AND/OR
HARASSMENT ON THE BASIS OF
DISABILITY IN VIOLATION OF
FEHA;**
- (7) FAILURE TO PROVIDE
REASONABLE ACCOMODATION
IN VIOLATION OF FEHA;**

- (8) FAILURE TO ENGAGE IN TIMELY AND GOOD FAITH INTERACTIVE PROCESS IN VIOLATION OF FEHA;
- (9) DISCRIMINATION ON THE BASIS OF TAKING CFRA LEAVE;
- (10) HARASSMENT ON THE BASIS OF TAKING CFRA LEAVE;
- (11) RETALIATION FOR TAKING CFRA LEAVE;
- (12) DISCRIMINATION ON THE BASIS OF GENDER IN VIOLATION OF FEHA;
- (13) HARASSMENT ON THE BASIS OF GENDER IN VIOLATION OF FEHA;
- (14) RETALIATION FOR COMPLAINING OF DISCRIMINATION AND/OR HARASSMENT ON THE BASIS OF GENDER IN VIOLATION OF FEHA;
- (15) SEXUAL HARASSMENT IN VIOLATION OF FEHA;
- (16) RETALIATION FOR COMPLAINING OF SEXUAL HARASSMENT IN VIOLATION OF FEHA;
- (17) FAILURE TO PREVENT DISCRIMINATION, HARRASSMENT, AND RETALIATION IN VIOLATION OF FEHA;
- (18) INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS;
- (19) NEGLIGENT HIRING, SUPERVISION, AND RETENTION;
- (20) WRONGFUL CONSTRUCTIVE TERMINATION IN VIOLATION OF PUBLIC POLICY (VIOLATION OF LABOR CODE § 1102.5, FEHA);
- (21) DEFAMATION;
- (22) VIOLATION OF LABOR CODE

1 this Complaint was, authorized to operate by the State of California and the United
 2 States government and authorized and qualified to do business in the County of Los
 3 Angeles. Tesoro Companies' place of business, where the following causes of action
 4 took place, was and is in the County of Los Angeles, 2101 East Pacific Coast Highway,
 5 Wilmington, California, 90749. Tesoro Petroleum, Inc. ("Defendant" or "Tesoro
 6 Petroleum") is, and at all times mentioned in this Complaint was, authorized to operate
 7 by the State of California and the United States government and authorized and qualified
 8 to do business in the County of Los Angeles. Tesoro Petroleum's place of business,
 9 where the following causes of action took place, was and is in the County of Los
 10 Angeles, 2101 East Pacific Coast Highway, Wilmington, California, 90749. Defendant
 11 Ernie Carmona ("Defendant" or "Carmona") is and at all times mentioned in this
 12 complaint a supervisor with Defendants. Defendant Carmona is and at all times
 13 mentioned known to Plaintiff a resident of Los Angeles, California. Defendant Victor
 14 Guerrero ("Defendant" or "Guerrero") is and at all times mentioned in this complaint a
 15 supervisor with Defendants. Defendant Guerrero is and at all times mentioned known to
 16 Plaintiff a resident of Los Angeles, California.

17 3. Doe Defendants. Defendants Does 1 through 100 are sued under fictitious
 18 names pursuant to Code of Civil Procedure section 474. Plaintiff is informed and
 19 believes, and on that basis alleges, that each of the Defendants sued under fictitious
 20 names is in some manner responsible for the wrongs and damages alleged below, in so
 21 acting was functioning as the agent, servant, partner, and employee of all co-Defendants,
 22 and in taking the actions mentioned below was acting within the course and scope of his
 23 or her authority as such agent, servant, partner, and employee, with the permission and
 24 consent of the co-Defendants.

25 4. Relationship of Defendants. All Defendants, including but not limited to
 26 Defendant Tesoro Refining And Marketing Co., LLC, Defendant Tesoro Companies,
 27 Inc., Defendant Tesoro Petroleum, Inc., and all DOE Defendants, directly and/or
 28 indirectly employed Plaintiff, as defined under the regulations, statutes and interpreting

1 case law, including but not limited to California Government Code section 12926(d).

2 5. All Defendants, including but not limited to Defendant Tesoro Refining
3 And Marketing Co., LLC, Defendant Tesoro Companies, Inc., Defendant Tesoro
4 Petroleum, Inc., and all DOE Defendants, compelled, coerced, aided, and/or abetted the
5 discrimination, retaliation and harassment alleged throughout, which is prohibited under
6 California Government Code section 12940(i).

7 6. All Defendants, including but not limited to Defendant Tesoro Refining
8 And Marketing Co., LLC, Defendant Tesoro Companies, Inc., Defendant Tesoro
9 Petroleum, Inc., and all DOE Defendants, were acting as the agent(s) of all other
10 Defendants and employers, as defined under the regulations, statutes and interpreting
11 case law, including but not limited to California Government Code section 12926(d).

12 7. All actions of all Defendants were taken by employees, supervisors,
13 executives, officers and directors during employment with all Defendants, on behalf of
14 all Defendants, and so engaged in, authorized, ratified and approved of the conduct of all
15 other Defendants.

16 8. Plaintiff is informed and believes, and thereon alleges, that, at all times
17 relevant hereto, Defendants, and each of them, were the principals, agents, servants,
18 employers, employees, partners, joint venturers, predecessors in interest, successors in
19 interest, and/or authorized representatives of each of the other Defendants, and were at
20 all times relevant herein acting within the purpose, course and scope of their agency,
21 service, employment, partnership, joint ventures and/or representation, and were doing so
22 with the knowledge, permission and consent of their principal, employer, partners, joint
23 venturers and co-Defendants, and each of them. Plaintiff further alleges that each and
24 every Defendant was negligent, careless and legally liable in the selection and hiring of
25 each and every other Defendant as its agent, servant, employee, consultant, assistant,
26 representative, partner and/or joint venturer.

27 ///

28 ///

FACTS COMMON TO ALL CAUSES OF ACTION

9. Plaintiff's Hiring. Plaintiff Lawton, a 47 year old, African American woman, was employed by Defendants for over 15 years, since May 1998. For the past 13 years of her tenure, Lawton was a Field Operator and Board Counsel at Defendants' Sulphur Recovery Plant ("SRP"). Her direct supervisors were Defendant Victor Guerrero ("Guerrero"), a Hispanic male, Defendant Kevin Neff ("Neff"), a white male, Defendant Ernie Carmona ("Carmona"), a Hispanic male, and Les Gerrier ("Gerrier"). At all times throughout Plaintiff's employment, Plaintiff performed her job duties in an exemplary manner.

10. Plaintiff's Protected Status. Plaintiff is an African American woman. The work unit was overwhelmingly populated with male employees. Plaintiff spent three weeks in a mental health hospital due to the extreme distress and threats she was experiencing at work in 2011. Plaintiff has been diagnosed with Post Traumatic Stress Disorder ("PTSD"), anxiety, major depression, and stress. Plaintiff is currently on medical leave for the extreme stress, anxiety, and major depression she experienced due to the work environment with Defendants.

11. Defendants' Comments and/or Adverse Employment Actions and Behavior.

a. As soon as Plaintiff started working with Defendants, Defendants' employees began making inappropriate comments to Plaintiff. Jerry Jones ("Jones"), an employee, would make comments to Plaintiff that he "was curious to see what she had under her nomads." Jones made numerous comments about Plaintiff's breasts. Plaintiff constantly told Jones to stop making such comments, but Jones did not stop. Jones was finally punished with a two-week suspension without pay after numerous incidences.

b. Employees Chris Hardiman ("Hardiman") and Warren Verret ("Verret") made inappropriate comments about Plaintiff's looks. Hardiman asked Plaintiff for sexual favors, such as oral sex, when he assisted her with work in the field or when Plaintiff asked him questions. Verret asked Plaintiff for oral sex in exchange for helping Plaintiff at work. Verret also exposed his genitals to Plaintiff.

1 c. Plaintiff complained to Defendants' Human Resources department
2 ("Human Resources") and to Guerrero about the sexual harassment which she was
3 experiencing from Defendants' employees, Jones, Hardiman, and Verret. Only a short
4 time after Plaintiff complained about the sexual harassment, Plaintiff's locker was broken
5 into, her boots were urinated on, and a dead mouse was placed in the zippered pocket of
6 her work uniform at work.

7 d. Stanford Southall ("Southall"), an employee, asked Plaintiff for sexual
8 favors and asked Plaintiff "well what's in it for me" suggestively when Plaintiff asked
9 him for help. Southall asked Plaintiff to date him and asked whether she was interested
10 in having a relationship with him; Plaintiff told Southall that she was not interested.
11 Southall asked Plaintiff if she was interested in performing sexual favors in exchange for
12 money, yet Plaintiff refused. Plaintiff felt very uncomfortable going to work with
13 Southall because they were on the same crew and had to perform daily activities
14 together. Southall became very jealous and controlling towards Plaintiff when she spoke
15 with other male employees. Plaintiff asked to be removed from Southall's shift in order
16 to avoid any further sexual harassment.

17 e. In 2009, Plaintiff again complained about the sexual harassment she was
18 experiencing at work to Guerrero and Dwight Williams ("Williams"). Guerrero did not
19 take Plaintiff's complaint seriously and instead inappropriately joked that since Plaintiff
20 is an attractive woman, such behavior is "pretty much what men do," and he did not
21 prevent the sexual harassment.

22 12. Plaintiff's Transfer.

23 a. In 2009, Plaintiff was transferred to a shift with Mitchell Prado ("Prado").
24 Plaintiff worked on and off with Prado for four years but consistently for two years.
25 Prado and Plaintiff began to work well together and Plaintiff valued working with Prado
26 because he was an expert in his field.

27 b. In 2011, Prado began to make inappropriate sexual comments to Plaintiff.
28 Prado tried to extort sex from Plaintiff on numerous occasions. Plaintiff told Prado to

1 stop making sexual comments and to focus on his work. However, when Plaintiff told
2 Prado to stop making inappropriate comments, Prado became angry and stopped
3 assisting Plaintiff with her work.

4 c. Around March or April of 2011, Plaintiff attempted to totally avoid Prado
5 because he would not stop making sexually inappropriate comments to Plaintiff. Plaintiff
6 became extremely uncomfortable every time Prado would make an inappropriate
7 comment to her.

8 d. When Plaintiff would deny Prado's sexual advances and inappropriate
9 comments, Prado would ask her, "Is it because I am a supervisor? Why are you acting
10 this way?" Prado then demoted himself in order to work on Plaintiff's shift.

11 e. From May through June 2011, Plaintiff had to take some time off of work
12 because a complication with her breast implant required reconstructive surgery. Prado
13 would call Plaintiff's home every day and remained around her neighborhood while
14 Plaintiff was on leave.

15 f. In August 2011, Plaintiff received dozens of phone calls and voicemails
16 from Prado in one night. The next day, Plaintiff received flowers and a phone call from
17 Prado asking her whether she liked the flowers. Prado became angry because Plaintiff
18 did not answer his previous calls. Prado vandalized Plaintiff's car and threatened that
19 she would lose her job.

20 13. Plaintiff Is Admitted to a Mental Health Hospital. Plaintiff was admitted to
21 a mental health hospital for three weeks following the events with Prado in July 2011.
22 Plaintiff was experiencing severe and extreme mental distress from the constant
23 harassment and stalking by Prado. Plaintiff was released with instructions to follow-up
24 with extensive therapy one to four times a week. Plaintiff attended therapy sessions
25 twice a month in 2012 but increased the frequency in 2013.

26 14. Restraining Order Against Mitchell Prado. Plaintiff successfully had a three
27 year restraining order imposed on Prado and settled a civil case against him.

28 15. Plaintiff Asks Defendants to Protect Her From Prado. Plaintiff asked

1 Defendants to comply with the restraining order against Prado. Plaintiff's request was
2 ignored. Plaintiff asked Defendants what they were going to do to make her feel safe at
3 work while Prado was still also employed and working at the same location. Plaintiff
4 further asked where Prado would be working; Defendants would not disclose this
5 information to her even though she had a restraining order against Prado.

6 a. Shortly after Defendants refused to protect Plaintiff, Prado violated the
7 restraining order.

8 b. Plaintiff complained to Human Resources about Prado violating the
9 restraining order. Plaintiff asked Human Resources how Prado would be
10 disciplined for violating the restraining order.

11 c. Human Resources told Plaintiff that they could not disclose to Plaintiff how
12 Prado would be disciplined. However, nothing was done against Prado.

13 d. Plaintiff informed Human Resources that she did not feel safe at work with
14 Prado.

15 16. Plaintiff's Transfer to a Lower Level Job. Plaintiff did not feel safe working at
16 that location with Prado still employed there as well. Defendants did not prevent or
17 attempt to prevent Prado from interacting with Plaintiff. Defendants did not give Plaintiff
18 any reassurance that she would be safe at work despite her complaints and cries that she
19 did not feel safe. As a result, Plaintiff was forced to transfer as a field operator at the
20 SRP location and go to the Cogen location to do a lower level routine job in order to
21 avoid Prado. Plaintiff lost all seniority, was paid less money, and lost overtime advances
22 at this new position with Defendants.

23 a. At the new location, Plaintiff continued to suffer from harassment and was
24 treated worse than other employees on a continued basis.

25 b. Plaintiff's co-workers would call Plaintiff "a drama queen," and "the trouble
26 maker." Further, Plaintiff's co-workers would tell Plaintiff that they "do not
27 need drama over here," and would say "I wonder if [Plaintiff] will have an
28 affair with anyone in this shift."

- 1 c. Plaintiff was also called a "whistleblower," "whore" and "the enemy."
2 d. An employee, Carlos Vasquez ("Vasquez"), would call Plaintiff a "Mexican
3 lover." Further, Vasquez would tell Plaintiff, "everyone knows you're
4 screwing Vic," and assert "kill enemy" in reference to Plaintiff.
5 e. Plaintiff complained to her supervisor Carmona about these comments and
6 treatment. However, Carmona told Plaintiff "well, everyone is entitled to their
7 own opinions." Carmona did not prevent any of the treatment or comments
8 made to Plaintiff.
9 f. Plaintiff's locker was vandalized with frowns and faces with the eyes blacked
10 over drawn on it.
11 g. After making her complaint, Plaintiff was shunned and isolated from her co-
12 workers. Plaintiff's co-workers would ignore Plaintiff even while working on
13 projects together.
14 h. Plaintiff complained many times to Doreen Battles, Lissette Medina, and
15 Karen Kawano in Human Resources about the treatment she was experiencing.
16 i. In October 2013, Plaintiff made a formal complaint to Human Resources
17 about the treatment she was experiencing. However, no investigation was
18 performed. Instead, Karen Kawano, who Plaintiff believed to be a Human
19 Resources employee, interrogated Plaintiff regarding whether she was sleeping
20 with any employee at the location. Plaintiff learned that this individual was
21 actually an in-house counsel for Defendants.
22 j. After making her complaints, Plaintiff's belongings were thrown out from her
23 cabinet and her locker was destroyed.

24 17. Plaintiff's Leave of Absence. Plaintiff was placed on medical leave by her
25 doctors on or around November 2, 2013. Plaintiff has attempted to contact Human
26 Resources since November 2013 regarding her benefits but has been completely ignored.

27 18. On information and belief, there were available positions for which Plaintiff
28 was qualified during her leave; these positions were not given to Plaintiff, but instead to

1 healthy employees. Defendants' adverse employment actions, including constructive
2 termination, against Plaintiff were motivated by Plaintiff's actual, perceived, and/or
3 history of disability, need (and request) for accommodation, and/or good faith
4 complaints. Plaintiff believes and alleges that Defendants' true reasons for taking
5 adverse employment actions, including constructive termination, against her were her
6 race, gender, actual, perceived, and/or history of disability, medical leave, and/or good
7 faith complaints.

8 19. Economic Damages. As a consequence of Defendants' conduct, Plaintiff
9 has suffered and will suffer harm, including, without limitation, lost past and future
10 income and employment benefits, and damage to career, in a sum to be proven at trial.

11 20. Non-Economic Damages. As a consequence of Defendants' conduct,
12 Plaintiff has suffered and will suffer psychological and emotional distress, humiliation,
13 and mental and physical pain and anguish, in a sum to be proven at trial.

14 21. Punitive Damages. Defendants' conduct constitutes oppression, fraud or
15 malice under California Civil Code Section 3294, so as to entitle Plaintiff to an award of
16 exemplary/punitive damages.

17 a. Malice. Defendants' conduct was done with malice within the meaning of
18 California Civil Code Section 3294, including that (a) Defendants acted with intent to
19 cause injury to Plaintiff, and/or acted with reckless disregard toward Plaintiff's injury,
20 including by taking adverse employment actions, including constructive termination,
21 against Plaintiff based on Plaintiff's race, gender, actual, perceived, and/or history of
22 disability, medical leave, and/or good faith complaints; and/or (b) Defendants' conduct
23 was despicable, with willful and conscious disregard of Plaintiff's rights, health and
24 safety, including Plaintiff's right to be free of discrimination, harassment, retaliation,
25 abuse of requirement of accommodation and engaging in the interactive process, and
26 adverse employment actions, including constructive termination.

27 b. Oppression. In addition, and/or alternatively, Defendants' conduct was
28 done with oppression within the meaning of California Civil Code Section 3294,

1 including that Defendants' actions against Plaintiff based on Plaintiff's race, gender,
 2 actual, perceived, and/or history of disability, medical leave, and/or good faith
 3 complaints, was "despicable" and subjected Plaintiff to cruel and unjust hardship, in
 4 knowing disregard of Plaintiff's rights to a workplace free of discrimination, harassment,
 5 retaliation, abuse of requirement of accommodation and engaging in the interactive
 6 process, and adverse employment actions, including constructive termination.

7 c. Fraud. In addition, and/or alternatively, Defendants' conduct, as alleged,
 8 was fraudulent within the meaning of California Civil Code Section 3294, including that
 9 Defendants asserted false (pretextual) grounds for their adverse employment actions,
 10 including constructive termination, to thereby harm Plaintiff and deprive Plaintiff of
 11 legal rights.

12 22. Attorneys' Fees. Plaintiff has incurred and continues to incur legal
 13 expenses and attorneys' fees.

14 23. Exhaustion of Administrative Remedies. Prior to filing this action, Plaintiff
 15 timely exhausted administrative remedies, by timely filing an administrative complaint
 16 with the Department of Fair Employment and Housing ("DFEH") and receiving a DFEH
 17 right to sue letter.

18 19 **FIRST CAUSE OF ACTION**

20 **Violation of FEHA, Cal. Govt. Code Sections 12900 et seq.**

21 **(Race Discrimination)**

22 **Against Defendants Tesoro Refining, Tesoro Companies,**

23 **Tesoro Petroleum Inclusive of DOES 1 to 100**

24 24. The allegations set forth in paragraphs 1 through 23 are re-alleged and
 25 incorporated herein by reference.

26 25. Plaintiff's race and/or other characteristic(s) protected by the FEHA, Cal.
 27 Govt. Code Sections 12900 et seq., were motivating factors in Defendants' decision to
 28 not retain, hire or otherwise employ Plaintiff in any position, and/or take other adverse

1 employment actions, including constructive termination, against Plaintiff.

2 26. Defendants' conduct, as alleged, violated the FEHA, Cal. Govt. Code
3 Sections 12900 et seq. and Defendants committed unlawful employment practice(s),
4 including, without limitation, by the following, separate bases for liability:

5 a. Barring, discharging, refusing to transfer, retain, hire, select, and/or employ;
6 and/or otherwise discriminating against Plaintiff, based, in whole or in part, on Plaintiff's
7 race and/or other protected characteristic(s), in violation of Cal. Govt. Code Section
8 12940(a).

9 b. Failing to take all reasonable steps to prevent discrimination, harassment,
10 and/or retaliation based on race in violation of Cal. Govt. Code Section 12940(k).

11 27. As a proximate result of Defendants' willful, knowing, and intentional
12 discrimination against Plaintiff, Plaintiff has sustained and continues to sustain
13 substantial losses of earnings and other employment benefits.

14 28. As a proximate result of Defendants' willful, knowing, and intentional
15 discrimination against Plaintiff, Plaintiff has suffered and continues to suffer
16 humiliation, emotional distress, and physical and mental pain and anguish, all to her
17 damage in a sum according to proof.

18 29. Defendants' misconduct was committed intentionally, in a malicious,
19 despicable, oppressive manner, entitling Plaintiff to punitive damages against
20 Defendants.

21 30. Plaintiff has incurred and continues to incur legal expenses and attorneys'
22 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
23 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
24 proof.

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27 ///

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SECOND CAUSE OF ACTION

Violation of FEHA, Cal. Govt. Code Sections 12900 et seq.

(Race Harassment)

Against All Defendants Inclusive of DOES 1 to 100

31. The allegations set forth in paragraphs 1 through 30 are re-alleged and incorporated herein by reference.

32. Defendants' conduct, as alleged, violated the FEHA, Cal. Govt. Code Sections 12900 et seq. and Defendants committed unlawful employment practice(s), including, without limitation, by the following, separate bases for liability:

a. Harassing Plaintiff and/or creating a hostile work environment, based, in whole or in part, on Plaintiff's race, and/or other protected characteristic(s), in violation of Cal. Govt. Code Section 12940(j).

b. Failing to take all reasonable steps to prevent discrimination, harassment, and/or retaliation based on race in violation of Cal. Govt. Code Section 12940(k).

33. As a proximate result of Defendants' willful, knowing, and intentional harassment against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of earnings and other employment benefits.

34. As a proximate result of Defendants' willful, knowing, and intentional harassment against Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and physical and mental pain and anguish, all to her damage in a sum according to proof.

35. Defendants' misconduct was committed intentionally, in a malicious, despicable, oppressive manner, entitling Plaintiff to punitive damages against Defendants.

36. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys' fees, and costs (including expert costs), in an amount according to proof.

THIRD CAUSE OF ACTION

**Violation of FEHA, Cal. Govt. Code Sections 12900 et seq.
(Retaliation for Complaining of Race Discrimination and/or
Harassment)**

**Against Defendants Tesoro Refining, Tesoro Companies,
Tesoro Petroleum Inclusive of DOES 1 to 100**

37. The allegations set forth in paragraphs 1 through 36 are re-alleged and incorporated herein by reference.

38. Plaintiff's race and/or other characteristic(s) protected by the FEHA, Cal. Govt. Code Sections 12900 et seq., were motivating factors in Defendants' decision to not retain, hire or otherwise employ Plaintiff in any position, and/or take other adverse employment actions, including constructive termination, against Plaintiff.

39. Defendants' conduct, as alleged, violated the FEHA, Cal. Govt. Code Sections 12900 et seq. and Defendants committed unlawful employment practice(s), including, without limitation, by the following, separate bases for liability:

a. Barring, discharging, refusing to transfer, retain, hire, select, and/or employ; and/or otherwise discriminating against Plaintiff, based, in whole or in part, on Plaintiff's race and/or other protected characteristic(s), in violation of Cal. Govt. Code Section 12940(a).

b. Harassing Plaintiff and/or creating a hostile work environment, based, in whole or in part, on Plaintiff's race and/or other protected characteristic(s), in violation of Cal. Govt. Code Section 12940(j).

c. Failing to take all reasonable steps to prevent discrimination, harassment, and/or retaliation based on race and/or national origin, in violation of Cal. Govt. Code Section 12940(k).

d. Retaliating against Plaintiff for seeking to exercise rights guaranteed under the FEHA and/or opposing Defendants' failure to provide such rights, including, without limitation, rights of reasonable accommodation, interactive process, leave rights, and/or

1 the right to be free of discrimination, in violation of Cal. Govt. Code Section 12940(h).

2 40. As a proximate result of Defendants' willful, knowing, and intentional
3 retaliation against Plaintiff, Plaintiff has sustained and continues to sustain substantial
4 losses of earnings and other employment benefits.

5 41. As a proximate result of Defendants' willful, knowing, and intentional
6 retaliation against Plaintiff, Plaintiff has suffered and continues to suffer humiliation,
7 emotional distress, and physical and mental pain and anguish, all to her damage in a sum
8 according to proof.

9 42. Defendants' retaliatory misconduct was committed intentionally, in a
10 malicious, despicable, oppressive manner, entitling Plaintiff to punitive damages against
11 Defendants.

12 43. Plaintiff has incurred and continues to incur legal expenses and attorneys'
13 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
14 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
15 proof.

17 **FOURTH CAUSE OF ACTION**

18 **Violation of FEHA, Cal. Govt. Code Sections 12900 et seq.**

19 **(Disability Discrimination)**

20 **Against Defendants Tesoro Refining, Tesoro Companies,**

21 **Tesoro Petroleum Inclusive of DOES 1 to 100**

22 44. The allegations set forth in paragraphs 1 through 43 are re-alleged and
23 incorporated herein by reference.

24 45. Plaintiff's disability, and/or other characteristic(s) protected by the FEHA,
25 Cal. Govt. Code Sections 12900 et seq., were motivating factors in Defendants' decision
26 to not retain, hire or otherwise employ Plaintiff in any position, refuse to accommodate
27 Plaintiff and engage in the interactive process, and/or take other adverse employment
28 actions, including constructive termination, against Plaintiff.

1 46. Defendants' conduct, as alleged, violated the FEHA, Cal. Govt. Code
2 Sections 12900 et seq. and Defendants committed unlawful employment practice(s),
3 including, without limitation, by the following, separate bases for liability:

4 a. Barring, discharging, refusing to transfer, retain, hire, select, and/or employ;
5 and/or otherwise discriminating against Plaintiff, based, in whole or in part, on Plaintiff's
6 actual, perceived, and/or history of physical disability, medical condition, and/or other
7 protected characteristic(s), in violation of Cal. Govt. Code Section 12940(a).

8 b. Failing to accommodate Plaintiff's actual, perceived, and/or history of
9 physical disability, in violation of Cal. Govt. Code Section 12940(m).

10 c. Failing to engage in a timely, good faith interactive process to determine
11 reasonable accommodation, in violation of Cal. Govt. Code Section 12940(n).

12 d. Failing to take all reasonable steps to prevent discrimination, harassment,
13 and/or retaliation based on actual, perceived, and/or history of physical disability, in
14 violation of Cal. Govt. Code Section 12940(k).

15 e. Retaliating against Plaintiff for seeking to exercise rights guaranteed under
16 the FEHA and/or opposing Defendants' failure to provide such rights, including, without
17 limitation, rights of reasonable accommodation, interactive process, leave rights, and/or
18 the right to be free of discrimination, in violation of Cal. Govt. Code Section 12940(h).

19 f. Failing to provide Plaintiff with requisite statutory leave; violating notice
20 and/or other procedural requisites of leave; and/or retaliating against Plaintiff for taking
21 leave, in violation of Cal. Govt. Code Section 12945.2.

22 47. As a proximate result of Defendants' willful, knowing, and intentional
23 discrimination against Plaintiff, Plaintiff has sustained and continues to sustain
24 substantial losses of earnings and other employment benefits.

25 48. As a proximate result of Defendants' willful, knowing, and intentional
26 discrimination against Plaintiff, Plaintiff has suffered and continues to suffer
27 humiliation, emotional distress, and physical and mental pain and anguish, all to her
28 damage in a sum according to proof.

1 humiliation, emotional distress, and physical and mental pain and anguish, all to her
2 damage in a sum according to proof.

3 55. Defendants' misconduct was committed intentionally, in a malicious,
4 despicable, oppressive manner, entitling Plaintiff to punitive damages against
5 Defendants.

6 56. Plaintiff has incurred and continues to incur legal expenses and attorneys'
7 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
8 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
9 proof.

10 11 **SIXTH CAUSE OF ACTION**

12 **Violation of FEHA, Cal. Govt. Code Sections 12900 et seq.** 13 **(Retaliation for Complaining of Disability Discrimination** 14 **and/or Harassment)**

15 **Against Defendants Tesoro Refining, Tesoro Companies,** 16 **Tesoro Petroleum Inclusive of DOES 1 to 100**

17 57. The allegations set forth in paragraphs 1 through 56 are re-alleged and
18 incorporated herein by reference.

19 58. Plaintiff's actual, perceived and/or history of disability and/or other
20 characteristic(s) protected by the FEHA, Cal. Govt. Code Sections 12900 et seq., were
21 motivating factors in Defendants' decision to not retain, hire or otherwise employ
22 Plaintiff in any position, refuse to accommodate Plaintiff and engage in the interactive
23 process, and/or take other adverse employment actions, including constructive
24 termination, against Plaintiff.

25 59. Defendants' conduct, as alleged, violated the FEHA, Cal. Govt. Code
26 Sections 12900 et seq. and Defendants committed unlawful employment practice(s),
27 including, without limitation, by the following, separate bases for liability:

28 a. Barring, discharging, refusing to transfer, retain, hire, select, and/or employ;

1 and/or otherwise discriminating against Plaintiff, based, in whole or in part, on Plaintiff's
2 actual, perceived, and/or history of disability, medical condition, and/or other protected
3 characteristic(s), in violation of Cal. Govt. Code Section 12940(a).

4 b. Failing to accommodate Plaintiff's actual, perceived, and/or history of
5 actual, perceived and/or history of disability, in violation of Cal. Govt. Code Section
6 12940(m).

7 c. Failing to engage in a timely, good faith interactive process to determine
8 reasonable accommodation, in violation of Cal. Govt. Code Section 12940(n).

9 d. Harassing Plaintiff and/or creating a hostile work environment, based, in
10 whole or in part, on Plaintiff's actual, perceived, and/or history of actual, perceived
11 and/or history of disability, and/or other protected characteristic(s), in violation of Cal.
12 Govt. Code Section 12940(j).

13 e. Failing to take all reasonable steps to prevent discrimination, harassment,
14 and/or retaliation based on actual, perceived and/or history of disability, in violation of
15 Cal. Govt. Code Section 12940(k).

16 f. Retaliating against Plaintiff for seeking to exercise rights guaranteed under
17 the FEHA and/or opposing Defendants' failure to provide such rights, including, without
18 limitation, rights of reasonable accommodation, interactive process, leave rights, and/or
19 the right to be free of discrimination, in violation of Cal. Govt. Code Section 12940(h).

20 g. Failing to provide Plaintiff with requisite statutory leave; violating notice
21 and/or other procedural requisites of leave; and/or retaliating against Plaintiff for taking
22 leave, in violation of Cal. Govt. Code Section 12945.2.

23 60. As a proximate result of Defendants' willful, knowing, and intentional
24 discrimination against Plaintiff, Plaintiff has sustained and continues to sustain
25 substantial losses of earnings and other employment benefits.

26 61. As a proximate result of Defendants' willful, knowing, and intentional
27 discrimination against Plaintiff, Plaintiff has suffered and continues to suffer
28 humiliation, emotional distress, and physical and mental pain and anguish, all to her

1 damage in a sum according to proof.

2 62. Defendants' misconduct was committed intentionally, in a malicious,
3 despicable, oppressive manner, entitling Plaintiff to punitive damages against
4 Defendants.

5 63. Plaintiff has incurred and continues to incur legal expenses and attorneys'
6 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
7 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
8 proof.

10 SEVENTH CAUSE OF ACTION

11 Violation FEHA, Government Code § 12940(a), (i), (m), (n)

12 (Failure to Provide Reasonable Accommodation) —

13 Against Defendants Tesoro Refining, Tesoro Companies,

14 Tesoro Petroleum Inclusive of DOES 1 to 100

15 64. The allegations set forth in paragraphs 1 through 63 are re-alleged and
16 incorporated herein by reference.

17 65. At all times herein mentioned, FEHA, Government Code section 12940(a),
18 (i), (m), and (n), was in full force and effect and was binding on Defendants. This statute
19 requires Defendants to provide reasonable accommodations to known disabled
20 employees. Within the time provided by law, Plaintiff filed a complaint with the DFEH,
21 in full compliance with administrative requirements, and received a right-to-sue letter.

22 66. Defendants wholly failed to attempt any reasonable accommodation of
23 Plaintiff's known disability. Defendants used Plaintiff's disability and her need to take
24 medical leave as an excuse for taking adverse employment actions, including
25 constructive termination, against Plaintiff.

26 67. Plaintiff believes and on that basis alleges that her disability and need to
27 accommodate her disability was a substantial motivating factor in Defendants taking
28 adverse employment actions, including constructive termination, against Plaintiff.

1 process with Plaintiff to accommodate her disability. Instead, Defendants took adverse
2 employment actions, including constructive termination, against Plaintiff in part because
3 of her disability and her need to take medical leave.

4 75. Plaintiff believes and on that basis alleges that her disability was a
5 motivating factor in Defendants taking adverse employment actions, including
6 constructive termination, against Plaintiff.

7 76. As a proximate result of Defendants' willful, knowing, and intentional
8 misconduct, Plaintiff has sustained and continues to sustain substantial losses of earnings
9 and other employment benefits.

10 77. As a proximate result Defendants' willful, knowing, and intentional miscon-
11 duct, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and
12 physical and mental pain and anguish, all to her damage in a sum according to proof.

13 78. Defendants' misconduct was committed intentionally, in a malicious,
14 despicable, oppressive manner, entitling Plaintiff to punitive damages against
15 Defendants.

16 79. Plaintiff has incurred and continues to incur legal expenses and attorneys'
17 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
18 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
19 proof.

20 21 **NINTH CAUSE OF ACTION**

22 **Violation of Government Code § 12940**

23 **(Discrimination on the Basis of Taking CFRA Leave)—**

24 **Against Defendants Tesoro Refining, Tesoro Companies,**

25 **Tesoro Petroleum Inclusive of DOES 1 to 100**

26 80. The allegations set forth in paragraphs 1 through 79 are re-alleged and
27 incorporated herein by reference.

28 81. At all times herein mentioned, the CFRA, Government Code section

1 12945.1 and 12945.2, was in full force and effect and was binding on Defendants. This
2 statute requires Defendants to refrain from discriminating against any employee because
3 he or she took protected medical leave. Within the time provided by law, Plaintiff
4 Freeman filed a complaint with the Department of Fair Housing and Employment
5 ("DFEH"), in full compliance with administrative requirements, and received a right-to-
6 sue letter.

7 82. During Plaintiff's employment with Defendants, Defendants, through their
8 supervisors, engaged in actions that had a negative impact on the treatment of employees
9 who took CFRA leave. Specifically, Defendants discharged such employees with
10 greater frequency than other employees.

11 83. Defendants, through their managers and supervisors, made a number of
12 comments to and about Plaintiff that exhibited discriminatory motivations, intentions,
13 and consciousness. Plaintiff believes and on that basis alleges that Defendants' real
14 motivation was take adverse employment actions, including constructive termination,
15 against her because she took protected medical leave.

16 84. As a proximate result of Defendants' willful, knowing, and intentional
17 discrimination, Plaintiff has sustained and continues to sustain substantial losses of
18 earnings and other employment benefits.

19 85. As a proximate result of Defendants' willful, knowing, and intentional
20 discrimination, Plaintiff has suffered and continues to suffer humiliation, emotional
21 distress, and mental and physical pain and anguish, all to her damage in a sum according
22 to proof.

23 86. Defendants' misconduct was committed intentionally, in a malicious,
24 oppressive manner, entitling Plaintiff to punitive damages.

25 87. Plaintiff has incurred and continues to incur legal expenses and attorneys'
26 fees. Plaintiff is at present unaware of the precise amounts of these expenses and fees
27 and will seek leave of court to amend this Complaint when the amounts are fully known.

28 ///

TENTH CAUSE OF ACTION

Violation of Government Code § 12940

(Harassment on the Basis of Taking CFRA Leave)— Against

Defendants Tesoro Refining, Tesoro Companies, Tesoro

Petroleum Inclusive of DOES 1 to 100

88. The allegations set forth in paragraphs 1 through 87 are re-alleged and incorporated herein by reference.

89. At all times herein mentioned, the CFRA was in full force and effect and was binding on Defendants. This statute requires Defendants to refrain from harassing any employee because he or she took protected medical leave. Within the time provided by law, Plaintiff Freeman filed a complaint with the DFEH, in full compliance with administrative requirements, and received a right-to-sue letter.

90. During Plaintiff's employment with Defendants, Defendants engaged in actions that had a negative impact on the treatment of employees who took CFRA leave. Specifically, Defendants took adverse employment actions, including constructive termination, against such employees with greater frequency than other employees.

91. Defendants made a number of comments to and about Plaintiff that exhibited discriminatory motivations, intentions, and consciousness. Plaintiff believes and on that basis alleges that Defendants' real motivation was to take adverse employment actions, including constructive termination, against her because she took protected medical leave.

92. On the basis of the above, Plaintiff believes and alleges that her CFRA leave was a substantial motivating reason in Defendants taking adverse employment actions, including constructive termination, against Plaintiff.

93. As a proximate result of Defendants' willful, knowing, and intentional harassment, Plaintiff has sustained and continues to sustain substantial losses of earnings and other employment benefits.

94. As a proximate result of Defendants' willful, knowing, and intentional

1 harassment, Plaintiff has suffered and continues to suffer humiliation, emotional distress,
2 and mental and physical pain and anguish, all to her damage in a sum according to proof.

3 95. Defendants' misconduct was committed intentionally, in a malicious,
4 oppressive manner, entitling Plaintiff to punitive damages.

5 96. Plaintiff has incurred and continues to incur legal expenses and attorneys'
6 fees. Plaintiff is at present unaware of the precise amounts of these expenses and fees
7 and will seek leave of court to amend this Complaint when the amounts are fully known.

8
9 **ELEVENTH CAUSE OF ACTION**

10 **Violation of Government Code § 12940**

11 **(Retaliation for Taking CFRA Leave)— Against Defendants**

12 **Tesoro Refining, Tesoro Companies, Tesoro Petroleum**

13 **Inclusive of DOES 1 to 100**

14 97. The allegations set forth in paragraphs 1 through 96 are re-alleged and
15 incorporated herein by reference.

16 98. At all times herein mentioned, the CFRA was in full force and effect and
17 was binding on Defendants. This statute requires Defendants to refrain from retaliating
18 against any employee because he or she took protected medical leave. Within the time
19 provided by law, Plaintiff filed a complaint with the DFEH, in full compliance with
20 administrative requirements, and received a right-to-sue letter.

21 99. During Plaintiff's employment with Defendants, Defendants, through their
22 supervisors, engaged in actions that had a negative impact on the treatment of employees
23 who took CFRA leave. Specifically, Plaintiff attempted to contact Human Resources
24 regarding her employment benefits multiple times since November 2013 to no avail; she
25 received no return calls. Further, Defendants took adverse employment actions,
26 including constructive termination, against such employees who took CFRA leave with
27 greater frequency than other employees.

28 100. On the basis of the above, Plaintiff believes and alleges that her CFRA

1 leave was a substantial motivating reason in Defendants taking adverse employment
2 actions, including constructive termination, against Plaintiff.

3 101. As a proximate result of Defendants' willful, knowing, and intentional
4 retaliation, Plaintiff has sustained and continues to sustain substantial losses of earnings
5 and other employment benefits.

6 102. As a proximate result of Defendants' willful, knowing, and intentional
7 retaliation, Plaintiff has suffered and continues to suffer humiliation, emotional distress,
8 and mental and physical pain and anguish, all to her damage in a sum according to proof.

9 103. Defendants' misconduct was committed intentionally, in a malicious,
10 oppressive manner, entitling Plaintiff to punitive damages.

11 104. Plaintiff has incurred and continues to incur legal expenses and attorneys'
12 fees. Plaintiff is at present unaware of the precise amounts of these expenses and fees
13 and will seek leave of court to amend this Complaint when the amounts are fully known.

14 15 **TWELFTH CAUSE OF ACTION**

16 **Violation of FEHA, Cal. Govt. Code Sections 12900 et seq.**

17 **(Gender Discrimination)**

18 **Against Defendants Tesoro Refining, Tesoro Companies,**

19 **Tesoro Petroleum Inclusive of DOES 1 to 100**

20 105. The allegations set forth in paragraphs 1 through 104 are re-alleged and
21 incorporated herein by reference.

22 106. Plaintiff's gender and/or other characteristic(s) protected by the FEHA, Cal.
23 Govt. Code Sections 12900 et seq., were motivating factors in Defendants' decision to
24 not retain, hire or otherwise employ Plaintiff in any position, and/or take other adverse
25 employment actions, including constructive termination, against Plaintiff.

26 107. Defendants' conduct, as alleged, violated the FEHA, Cal. Govt. Code
27 Sections 12900 et seq. and Defendants committed unlawful employment practice(s),
28 including, without limitation, by the following, separate bases for liability:

1 a. Barring, discharging, refusing to transfer, retain, hire, select, and/or employ;
 2 and/or otherwise discriminating against Plaintiff, based, in whole or in part, on Plaintiff's
 3 gender and/or other protected characteristic(s), in violation of Cal. Govt. Code Section
 4 12940(a).

5 b. Failing to take all reasonable steps to prevent discrimination, harassment,
 6 and/or retaliation based on gender in violation of Cal. Govt. Code Section 12940(k).

7 108. As a proximate result of Defendants' willful, knowing, and intentional
 8 discrimination against Plaintiff, Plaintiff has sustained and continues to sustain
 9 substantial losses of earnings and other employment benefits.

10 109. As a proximate result of Defendants' willful, knowing, and intentional
 11 discrimination against Plaintiff, Plaintiff has suffered and continues to suffer
 12 humiliation, emotional distress, and physical and mental pain and anguish, all to her
 13 damage in a sum according to proof.

14 110. Defendants' misconduct was committed intentionally, in a malicious,
 15 despicable, oppressive manner, entitling Plaintiff to punitive damages against
 16 Defendants.

17 111. Plaintiff has incurred and continues to incur legal expenses and attorneys'
 18 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
 19 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
 20 proof.

21 22 **THIRTEENTH CAUSE OF ACTION**

23 **Violation of FEHA, Government Code § 12940 (Gender** 24 **Harassment)—**

25 **Against All Defendants Inclusive of DOES 1 to 100**

26 112. The allegations set forth in paragraphs 1 through 111 are re-alleged and
 27 incorporated herein by reference.

28 113. At all times herein mentioned, FEHA, Government Code section 12940,

1 was in full force and effect and was binding on Defendants. This statute requires
2 Defendants to refrain from harassing any employee on the basis of gender, among other
3 things. Within the time provided by law, Plaintiff filed a complaint with the Department
4 of Fair Employment and Housing ("DFEH"), in full compliance with administrative
5 requirements, and received a right-to-sue letter.

6 114. During Plaintiff's employment with Defendants, Defendants, through their
7 supervisors and employees engaged in series of acts that had a negative impact on the
8 treatment of female employees.

9 115. During Plaintiff's employment with Defendants, Defendants intentionally
10 engaged in harassment on the basis of gender.

11 116. Plaintiff is a qualified employee who performed her job in an exemplary
12 manner. Defendants subjected Plaintiff to negative gender-based comments and to
13 continuous harassing and threatening behavior. Defendants intentionally harassed
14 Plaintiff in violation of the law.

15 117. Defendants, through their managers and supervisors, made a number of
16 comments to and about Plaintiff that exhibited harassing motivations, intentions, and
17 consciousness.

18 118. On the basis of the above, Plaintiff believes and alleges that Defendants ha-
19 rassed her on the basis of her gender

20 119. As a proximate result of Defendants' willful, knowing, and intentional
21 harassment of Plaintiff, Plaintiff has sustained and continues to sustain substantial losses
22 of earnings and other employment benefits.

23 120. As a proximate result of Defendants' willful, knowing, and intentional
24 harassment of Plaintiff, Plaintiff has suffered and continues to suffer humiliation,
25 emotional distress, and mental and physical pain and anguish, all to her damage in a sum
26 according to proof.

27 121. Defendants' harassment was done intentionally, in a malicious, oppressive
28 manner, entitling Plaintiff to punitive damages.

1 122. Plaintiff has incurred and continues to incur legal expenses and attorneys'
 2 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
 3 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
 4 proof.

5
 6 **FOURTEENTH CAUSE OF ACTION**

7 **Violation of FEHA, Government Code § 12940**

8 **(Retaliation for Complaining of Discrimination**
 9 **and/or Harassment on the Basis of Gender)—**

10 **Against Defendants Tesoro Refining, Tesoro**
 11 **Companies, Tesoro Petroleum Inclusive of DOES 1**
 12 **to 100**

13 123. The allegations set forth in paragraphs 1 through 122 are re-alleged and
 14 incorporated herein by reference.

15 124. At all times herein mentioned, FEHA, Government Code section 12940, was
 16 in full force and effect and was binding on Defendants. This statute requires Defendants
 17 to refrain from retaliating against any employee for complaining of discrimination or
 18 harassment on the basis of gender, among other things. Within the time provided by law,
 19 Plaintiff filed a complaint with the DFEH, in full compliance with administrative require-
 20 ments, and received a right-to-sue letter.

21 125. During Plaintiff's employment with Defendants, Defendants, through their
 22 supervisors, engaged in a series of acts that had a negative impact on the treatment of
 23 female employees. During Plaintiff's employment with Defendants, Defendants
 24 intentionally engaged in gender discrimination and harassment which Plaintiff
 25 complained about to her supervisors.

26 126. Plaintiff was a qualified employee who performed her job in an exemplary
 27 manner. Defendants subjected Plaintiff to negative gender-based comments and to
 28 continuous harassing and threatening behavior. Defendants intentionally discriminated

1 against and harassed Plaintiff in violation of the law.

2 127. Defendants, through their agents and supervisors, made a number of
3 comments to and about Plaintiff that exhibited discriminatory and harassing motivations,
4 intentions, and consciousness.

5 128. As a proximate result of Defendants' willful, knowing, and intentional
6 retaliation, Plaintiff has sustained and continues to sustain substantial losses of earnings
7 and other employment benefits.

8 129. As a proximate result of Defendants' willful, knowing, and intentional
9 retaliation, Plaintiff has suffered and continues to suffer humiliation, emotional distress,
10 and mental and physical pain and anguish, all to her damage in a sum according to proof.

11 130. Defendants' misconduct was committed intentionally, in a malicious,
12 oppressive manner, entitling Plaintiff to punitive damages.

13 131. Plaintiff has incurred and continues to incur legal expenses and attorneys'
14 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
15 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
16 proof.

17
18 **FIFTEENTH CAUSE OF ACTION**

19 **Violation of FEHA, Government Code**

20 **§ 12926(h)(1)**

21 **(Sexual Harassment) —**

22 **Against All Defendants Inclusive of DOES 1**

23 **to 100**

24 132. The allegations set forth in paragraphs 1 through 131 are re-alleged and
25 incorporated herein by reference.

26 133. At all times herein mentioned, FEHA, Government Code section
27 12926(h)(1), was in full force and effect and was binding on Defendants. This statute
28 requires Defendants to refrain from sexually harassing any employee on the basis of sex

1 or gender. Within the time provided by law, Plaintiff filed a complaint with the DFEH,
2 in full compliance with administrative requirements, and received a right-to-sue letter.

3 134. During Plaintiff's employment, Defendants' agents and supervisors
4 intentionally engaged in actions that constituted sexual harassment of Plaintiff. All of
5 these actions were done against Plaintiff's will and desire and over her protests.

6 135. As a proximate result of Defendants' willful, knowing, and intentional
7 sexual harassment, Plaintiff has sustained and continues to sustain substantial losses of
8 earnings and other employment benefits.

9 136. As a proximate result of Defendants' willful, knowing, and intentional
10 sexual harassment, Plaintiff has suffered and continues to suffer humiliation, emotional
11 distress, and mental and physical pain and anguish, all to her damage in a sum according
12 to proof.

13 137. Defendants' sexual harassment was done intentionally, in a malicious,
14 oppressive manner, entitling Plaintiff to punitive damages.

15 138. Plaintiff has incurred and continues to incur legal expenses and attorneys'
16 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
17 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
18 proof.

19
20 **SIXTEENTH CAUSE OF ACTION**

21 **Violation of Government Code § 12926(h)(1)**

22 **(Retaliation for Complaining of Sexual**
23 **Harassment) —**

24 **Against Defendants Tesoro Refining, Tesoro**

25 **Companies, Tesoro Petroleum Inclusive of**

26 **DOES 1 to 100**

27 139. The allegations set forth in paragraphs 1 through 138 are re-alleged and
28 incorporated herein by reference.

1 140. At all times herein mentioned, FEHA, Government Code section 12940(f),
2 was in full force and effect and was binding on Defendants. This statute requires
3 Defendants to refrain from retaliating against any employee because that employee
4 reported sexual harassment in the work place.

5 141. Defendants' agents and supervisors frequently made extremely
6 inappropriate, sexually explicit comments to and in front of Plaintiff.

7 142. Plaintiff complained to Defendants about the inappropriate comments but
8 nothing was done. On the basis of the above, Plaintiff believes and alleges that
9 Defendants retaliated against her for her complaints of harassment on the basis of gender.

10 143. Plaintiff complained to Defendants of the sexual harassment she experi-
11 enced. Thereafter, Defendants retaliated against Plaintiff by harassing her and taking
12 adverse employment actions, including constructive termination, against her, in major
13 part because she reported the sexual harassment.

14 144. As a proximate result of Defendants' retaliatory adverse employment
15 actions against Plaintiff, Plaintiff has suffered and continues to suffer humiliation,
16 emotional distress, and mental and physical pain and anguish, all to her damage in a sum
17 according to proof.

18 145. Defendants' retaliatory adverse employment actions against Plaintiff were
19 done intentionally, in a malicious, oppressive manner, entitling Plaintiff to punitive
20 damages.

21 146. Plaintiff has incurred and continues to incur legal expenses and attorneys'
22 fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover
23 reasonable attorneys' fees, and costs (including expert costs), in an amount according to
24 proof.

25 ///

26 ///

27 ///

28 ///

SEVENTEENTH CAUSE OF ACTION

**Failure to Prevent Discrimination, Harassment, and
Retaliation in Violation of FEHA, Government Code**

§ 12940(k)—

**Against Defendants Tesoro Refining, Tesoro
Companies, Tesoro Petroleum Inclusive of DOES 1
to 100**

147. The allegations set forth in paragraphs 1 through 146 are re-alleged and incorporated herein by reference.

148. At all times herein mentioned, FEHA, Government Code section 12940(k), was in full force and effect and was binding on Defendants. This statute states that it is an unlawful employment practice in California for an employer “to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.” Prior to filing the instant Complaint, Plaintiff filed a timely administrative charge with the DFEH and received a right-to-sue notice.

149. During the course of Plaintiff’s employment, Defendants failed to prevent their employees from engaging in intentional actions that resulted in Plaintiff’s being treated less favorably because of Plaintiff’s protected status (i.e., her race, gender, and/or disability). During the course of Plaintiff’s employment, Defendants failed to prevent their employees from engaging in unjustified employment practices against employees in such protected classes. During the course of Plaintiff’s employment, Defendants’ failed to prevent a pattern and practice by its employees of intentional discrimination and harassment on the basis of race, gender, and/or disability.

150. Plaintiff believes and on that basis alleges that her race, gender, and/or disability was a factor in Defendants’ employees’ discrimination and retaliation against her.

151. As a proximate result of Defendants’ willful, knowing, and intentional failure to prevent discrimination, harassment, and retaliation against Plaintiff, Plaintiff

1 has sustained and continues to sustain substantial losses of earnings and other
2 employment benefits.

3 152. As a proximate result of Defendants' willful, knowing, and intentional
4 failure to prevent discrimination and retaliation against Plaintiff, Plaintiff has suffered
5 and continues to suffer humiliation, emotional distress, and mental and physical pain and
6 anguish, all to her damage in a sum according to proof.

7 153. Defendants' misconduct was done intentionally, in a malicious, oppressive
8 manner, entitling Plaintiff to punitive damages.

9 154. Plaintiff has incurred and continues to incur legal expenses and attorneys'
10 fees. Plaintiff is at present unaware of the precise amounts of these expenses and fees
11 and will seek leave of court to amend this Complaint when the amounts are fully known.

12 13 **EIGHTEENTH CAUSE OF ACTION**

14 **Intentional Infliction of Emotional Distress**

15 **Against All Defendants Inclusive of DOES 1 to 100**

16 155. The allegations set forth in paragraphs 1 through 154 are re-alleged and
17 incorporated herein by reference.

18 156. Defendants' discriminatory, harassing, and retaliatory actions against
19 Plaintiff constituted severe and outrageous misconduct and caused Plaintiff extreme
20 emotional distress.

21 157. Defendants were aware that treating Plaintiff in the manner alleged above,
22 including depriving Plaintiff of livelihood while suffering from an actual, perceived
23 and/or history of disability would devastate Plaintiff and cause Plaintiff extreme
24 hardship.

25 158. As a proximate result of Defendants' extreme and outrageous conduct,
26 Plaintiff has suffered and continues to suffer severe emotional distress. Plaintiff has
27 sustained and continues to sustain substantial losses of earnings and other employment
28 benefits as a result of being emotionally distressed.

1 159. As a proximate result of defendants' extreme and outrageous conduct,
2 Plaintiff has suffered and continues to suffer humiliation, emotional distress, and mental
3 and physical pain and anguish, all to her damage in a sum according to proof.

4 160. Defendants' misconduct was done intentionally, in a malicious, oppressive
5 manner, entitling Plaintiff to punitive damages.

6
7 **NINETEENTH CAUSE OF ACTION**
8 **Negligent Hiring, Retention, and Supervision —**
9 **Against Defendants Tesoro Refining, Tesoro**
10 **Companies, Tesoro Petroleum Inclusive of DOES 1**
11 **to 100**

12 161. The allegations set forth in paragraphs 1 through 160 are re-alleged and
13 incorporated herein by reference.

14 162. Defendants owed a duty of care to Plaintiff to hire managers and employees
15 who would refrain from wrongfully retaliating against Plaintiff and taking adverse
16 employment actions, including constructive termination, against Plaintiff. Defendants
17 breached that duty by failing to exercise reasonable care in hiring people who either
18 supervised or worked with Plaintiff. Defendants directly and proximately caused
19 damages to Plaintiff in that, during the course of Plaintiff's employment, they
20 negligently, wantonly, recklessly, tortiously, and unlawfully hired, retained, and
21 supervised managers and employees who wrongfully retaliated against Plaintiff and took
22 adverse employment actions, including constructive termination, against Plaintiff.

23 163. As a proximate result of Defendants' negligence, Plaintiff has suffered and
24 continues to suffer damages, including losses of earnings and benefits, in a sum
25 according to proof.

26 ///

27 ///

28 ///

TWENTIETH CAUSE OF ACTION

**Wrongful Constructive Termination in Violation of
Public Policy in Violation of Labor Code § 1102.5,
FEHA, Cal. Govt. Code Sections 12900 *et seq.* —
Against Defendants Tesoro Refining, Tesoro
Companies, Tesoro Petroleum Inclusive of DOES 1
to 100**

164. The allegations set forth in paragraphs 1 through 163 are re-alleged and incorporated herein by reference.

165. Defendants constructively terminated Plaintiff's employment in violation of various fundamental public policies underlying both state and federal laws. Specifically, Plaintiff was constructively terminated in part because of Plaintiff's protected status (i.e. her race, gender, and/or disability), and for engaging in protected activities. These actions were in violation of FEHA and the California Constitution.

166. As a proximate result of Defendants' wrongful constructive termination of Plaintiff's employment in violation of fundamental public policies, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to her damage in a sum according to proof.

167. As a result of Defendants' wrongful constructive termination of Plaintiff's employment, Plaintiff has suffered general and special damages in sums according to proof.

168. Defendants' wrongful constructive termination of Plaintiff's employment was done intentionally, in a malicious, oppressive manner, entitling Plaintiff to punitive damages.

169. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Pursuant to Code of Civil Procedure sections 1021.5 and 1032, *et seq.*, Plaintiff is entitled to recover reasonable attorneys' fees and costs in an amount according to proof.

///

TWENTY-FIRST CAUSE OF ACTION

Defamation (Civil Code §§ 45, 46)-

Against All Defendants Inclusive of DOES 1 to 100

170. The allegations set forth in paragraphs 1 through 169 are re-alleged and incorporated herein by reference.

171. Defendants falsely informed prospective employers and individuals other than Plaintiff that Plaintiff was not doing a good job performing her work duties and referred to Plaintiff with inappropriate sexual innuendos. For instance, Defendants made false statements that Plaintiff was having affair(s) with other employees, such as “everyone knows you’re screwing Vic.” This representation constituted defamation *per se*, imputing to Plaintiff loathsome actions and a loathsome reputation in her profession.

172. As a result, Plaintiff has been injured in her profession and continues to be injured in her profession. Plaintiff has sustained and continues to sustain losses of earnings and other employment benefits.

173. As a proximate result of Defendants’ willful, knowing, and intentional false representations about Plaintiff, Plaintiff has suffered and continues to suffer humiliation and mental pain and anguish and other non-economic damages, all to her damage in a sum according to proof.

174. Defendants’ misconduct was done intentionally, in a malicious, despicable, oppressive manner, entitling Plaintiff to punitive damages against Defendants.

TWENTY-SECOND CAUSE OF ACTION

Violations of Labor Code § 1102.5, *et seq.*—

Against Defendants Tesoro Refining, Tesoro

**Companies, Tesoro Petroleum Inclusive of DOES 1
to 100**

175. The allegations set forth in paragraphs 1 through 174 are re-alleged and incorporated herein by reference.

176. At all relevant times, Labor Code section 1102.5 was in effect and was binding on Defendants. This statute prohibits Defendants from retaliating against any employee, including Plaintiff, for raising complaints of illegality.

177. Plaintiff raised complaints of illegality while she worked for Defendants, and Defendants retaliated against her by discriminating against her, harassing her, and taking adverse employment actions, including constructive termination, against her.

178. As a proximate result of Defendants' willful, knowing, and intentional violations of Labor Code section 1102.5, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to her damage in a sum according to proof.

179. As a result of Defendants' adverse employment actions against Plaintiff, Plaintiff has suffered general and special damages in sums according to proof.

180. Defendants' misconduct was done intentionally, in a malicious, oppressive manner, entitling Plaintiff to punitive damages against Defendants.

TWENTY-THIRD CAUSE OF ACTION

INVASION OF PRIVACY –

Against All Defendants Inclusive of DOES 1 to 100

181. The allegations set forth in paragraphs 1 through 180 are re-alleged and incorporated herein by reference.

182. Defendants intentionally intruded upon Plaintiff's solitude, seclusion or private affairs and concerns. Defendants' intrusion would be highly offensive to a reasonable person and was unwarranted and unjustified.

183. Specifically, Defendants would inquire as to whether Plaintiff was having an affair with anyone on her shift.

184. As a result, Plaintiff has been injured in her profession and continues to be injured in her profession. Plaintiff has sustained and continues to sustain losses of earnings and other employment benefits.

1 185. As a proximate result of Defendants' willful, knowing, and intentional
2 invasions of Plaintiff's privacy, Plaintiff has suffered and continues to suffer humiliation
3 and mental pain and anguish and other non-economic damages, all to her damage in a
4 sum according to proof.

5 186. Defendants' misconduct was done intentionally, in a malicious, despicable,
6 oppressive manner, entitling Plaintiff to punitive damages against Defendants.

7
8 **PRAYER**

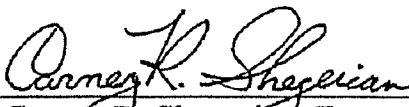
9 WHEREFORE, Plaintiff, Shari Lawton, prays for judgment against Defendant(s) as
10 follows:

- 11 1. For general and special damages according to proof;
- 12 2. For exemplary damages, according to proof;
- 13 3. For pre-judgment and post-judgment interest on all damages awarded;
- 14 4. For reasonable attorneys' fees;
- 15 5. For costs of suit incurred;
- 16 6. For such other and further relief as the Court may deem just and proper.

17
18 ADDITIONALLY, Plaintiff, Shari Lawton, demands trial of this matter by jury.
19 The amount demanded exceeds \$25,000 (Cal. Govt. Code Section 72055).

20
21 Dated: May 22, 2014

SHEGERIAN & ASSOCIATES, INC.

22
23 By: 
24 Carney R. Shegerian, Esq.

25 Attorneys for Plaintiff,
26 SHARI LAWTON
27
28

EXHIBIT B

NOTICE SENT TO:

Shegerian & Associates, Inc
 225 Arizona Avenue, Suite 400
 Santa Monica, CA 90401

FILED STAMP
ORIGINAL FILED
 JUN 06 2014
**LOS ANGELES
 SUPERIOR COURT**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

SHARI LAWTON

Plaintiff(s),

VS.

TESORO REFINING AND MARKETING CO ET AL
 Defendant(s).

CASE NUMBER

BC546613

**NOTICE OF CASE
 MANAGEMENT CONFERENCE**

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled for August 27, 2014 at 8:30 am in Dept. 45
 at 111 North Hill Street, Los Angeles, California 90012.

**NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE
 DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.**

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least **15 calendar days** prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, section 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code Section 68608 (b), and California Rules of Court 2.2 et seq.

Date: June 6, 2014

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named above:

☒ by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed herein in a separate sealed envelope to each address as shown above with postage thereon fully prepaid.

☐ by personally giving the party notice upon filing the complaint.

Date: June 6, 2014

Sherri R. Carter, Executive Officer/Clerk

by [Signature], Deputy Clerk

EXHIBIT C

1 MANATT, PHELPS & PHILLIPS, LLP
2 SANDRA R. KING (Bar No. CA 106784)
3 11355 West Olympic Boulevard
4 Los Angeles, CA 90064-1614
5 Telephone: (310) 312-4000
6 Facsimile: (310) 312-4224

Attorneys for Defendants

7 TESORO REFINING AND MARKETING CO., LLC; TESORO
8 COMPANIES, INC.; ERNIE CARMONA; and VICTOR GUERRERO

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES
12

13 SHARI LAWTON,

14 Plaintiff,

15 vs.

16 TESORO REFINING AND MARKETING
17 CO., LLC; TESORO COMPANIES, INC.;
18 TESORO PETROLEUM, INC.; ERNIE
19 CARMONA; VICTOR GUERRERO; and
20 DOES 1 to 100, inclusive,

21 Defendants.
22
23
24
25
26
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28

Case No. BC546613

**DEFENDANTS' ANSWER TO
UNVERIFIED COMPLAINT**

Complaint Filed: May 23, 2014

1 Defendants TESORO REFINING AND MARKETING CO., LLC, TESORO
 2 COMPANIES, INC., ERNIE CARMONA, and VICTOR GUERRERO (collectively,
 3 “**Defendants**”), for themselves and no other defendants, answer the unverified Complaint of
 4 Plaintiff SHARI LAWTON (“**Plaintiff**”) as follows:

5 A. Pursuant to California Code of Civil Procedure Section 431.30(d), Defendants
 6 deny, generally and specifically, each and every allegation contained in Plaintiff’s Complaint, and
 7 the whole thereof.

8 B. Defendants further deny, generally and specifically, that Plaintiff has been
 9 damaged in any sum, or at all, by reason of any act or omission to act on the part of Defendants,
 10 or on the part of any of Defendants’ agents, servants, employees or representatives.

11 C. Defendants further deny, generally and specifically, that Plaintiff is entitled to
 12 punitive or exemplary damages in any sum or at all by reason of any act or omission to act on the
 13 part of Defendants, or on the part of any of Defendants’ agents, servants, employees or
 14 representatives.

15 **AFFIRMATIVE DEFENSES**

16 **FIRST AFFIRMATIVE DEFENSE**

17 **(Failure to State a Claim)**

18 1. The Complaint, and each purported cause of action therein, fails to state facts
 19 sufficient to state or constitute a claim against any of Defendants and further fails to state facts
 20 sufficient to entitle Plaintiff to the relief sought, or to any other relief whatsoever, from any of
 21 Defendants.

22 **SECOND AFFIRMATIVE DEFENSE**

23 **(Good Faith Belief and Conduct)**

24 2. All actions taken by Defendants were for good cause and not for any improper
 25 reason or motive, and at all relevant times, each of Defendants acted with a good faith belief that
 26 he/it had good cause and/or a legitimate business reason to act as he/it did and did not directly or
 27 indirectly perform any acts which would constitute a violation of any of Plaintiff’s rights. As a
 28 consequence, Plaintiff is not entitled to any damages whatsoever.

THIRD AFFIRMATIVE DEFENSE

(No Illegal Intent)

3. At all relevant times, none of Defendants' acts were spiteful, malicious, in bad faith or motivated by any ill-will or fraud. Instead, Defendants' acts were privileged, proper, non-discriminatory, non-harassing, non-retaliatory and taken in accordance with its rights as accorded by law.

FOURTH AFFIRMATIVE DEFENSE

(Failure to Utilize Appropriate Procedures)

4. Defendants provide appropriate procedures to remedy alleged discrimination or harassment, including but not limited to prohibiting any discrimination based on a protected classification. Plaintiff's allegations fail to state a claim upon which relief can be granted for discrimination because she failed or refused to avail herself of Defendants' procedures or to timely notify Defendants of any alleged harassment or discrimination.

FIFTH AFFIRMATIVE DEFENSE

(Failure to Exhaust)

5. Some or all of Plaintiff's causes of action are barred, in whole or in part, to the extent she has failed to fully exhaust her administrative remedies.

SIXTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

6. Some or all of Plaintiff's claims are time-barred, in whole or in part, by the applicable statutes of limitation, including without limitation, California Government Code sections 12900, *et. seq.*

SEVENTH AFFIRMATIVE DEFENSE

(Waiver)

7. Plaintiff's Complaint, and each purported cause of action therein, are barred to the extent that Plaintiff, by reason of her own conduct and actions, has waived any right to assert the claims set forth herein.

EIGHTH AFFIRMATIVE DEFENSE

(Laches/Estoppel)

8. Plaintiff's Complaint, and each purported cause of action therein, are barred by the doctrines of laches and/or estoppel.

NINTH AFFIRMATIVE DEFENSE

(Unclean Hands)

9. The Complaint and each claim for relief alleged therein are barred by reason of the doctrine of unclean hands.

TENTH AFFIRMATIVE DEFENSE

(Comparative Fault)

10. If Plaintiff suffered or sustained any damages or injury as a proximate result of the conduct of Defendants as alleged in the Complaint, such damages or injury were proximately caused or contributed to by the willful acts and/or negligence of Plaintiff, which bars or reduces Plaintiff's right to recover any damages against Defendants.

ELEVENTH AFFIRMATIVE DEFENSE

(At Will Employment)

11. Some or all of Plaintiff's claims fail because she was employed at will. Cal. Lab. Code § 2922.

TWELFTH AFFIRMATIVE DEFENSE

(Compliance With Law)

12. Defendants complied with all obligations under the law with respect to preventing discrimination and harassment, and handling employee complaints of discrimination and harassment.

THIRTEENTH AFFIRMATIVE DEFENSE

(Failure to Pursue Remedies Under California Workers' Compensation Act)

13. Any claims by Plaintiff based in whole or in part on any alleged physical or emotional injury, including but not limited to emotional distress and mental anguish, are barred because Plaintiff's sole and exclusive remedy for such injury, if any, is governed by the

California Workers' Compensation Act, California Labor Code Section 3200, et seq., and the Workers' Compensation Appeals Board, and Plaintiff has failed to pursue his remedies under the Act.

FOURTEENTH AFFIRMATIVE DEFENSE

(No Causal Connection)

14. Plaintiff's Complaint, and each purported cause of action therein, lacks merit because any employment action allegedly taken by Defendants with respect to Plaintiff was based upon legitimate, non-discriminatory, non-harassing, and non-retaliatory reasons completely unrelated to Plaintiff's medical condition or any other protected classification.

FIFTEENTH AFFIRMATIVE DEFENSE

(Lack of Proximate Causation)

15. Plaintiff cannot prove any facts showing that the conduct of Defendants was the proximate cause of the injuries incurred, if any, and the damages sought in the Complaint, which are denied.

SIXTEENTH AFFIRMATIVE DEFENSE

(No Basis for Emotional Distress Damages)

16. The Complaint fails to state facts that would entitle Plaintiff to recover emotional distress damages.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

17. Plaintiff's recovery, if any, should be barred or decreased to the extent that she has failed to mitigate her alleged damages.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Punitive Damages Not Supported)

18. Plaintiff is not entitled to recover punitive damages because Defendants have not engaged in fraudulent, oppressive, malicious, willful, or egregious acts giving rise to liability, nor has Defendants displayed reckless indifference to Plaintiff's rights.

NINETEENTH AFFIRMATIVE DEFENSE

(Third Party)

19. Some or all of Plaintiff's claims are barred because the alleged conduct complained of by Plaintiff was done by persons or entities other than Defendants and, that at all times, said persons or entities acted without the consent, authorization, knowledge, or ratification of Defendants with regard to the acts as alleged in the Complaint.

TWENTIETH AFFIRMATIVE DEFENSE

(Frivolous Claims)

20. Defendants have engaged attorneys to represent it in defense of Plaintiff's frivolous, unfounded and unreasonable action, and Defendants are thereby entitled to an award of reasonable attorneys' fees and costs pursuant to California Government Code §12965(b) upon judgment in its favor.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Lack of Subject Matter Jurisdiction)

21. Plaintiff's Complaint, and each purported cause of action therein, is barred to the extent that this Court lacks subject matter jurisdiction.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(After-Acquired Evidence)

22. Plaintiff's recovery, if any, should be barred or decreased to the extent that Defendants have learned of wrongdoing that would have led to Plaintiff's discharge in any event.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Mixed Motive)

23. Some or all of Plaintiff's causes of action fail because Defendants were motivated and had legitimate reasons for taking all actions that it took with respect to Plaintiff's employment, and such actions, standing alone, justified the decisions.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(No Individual Defendant Liability)

24. Plaintiff's second, fifth, thirteenth, fifteenth, eighteenth, twenty-first, and twenty-

1 third causes of action fail as alleged against individual defendants Ernie Carmona and Victor
2 Guerrero because there is no individual liability for such claims.

3 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

4 **(Right to Assert Additional Affirmative Defenses)**

5 25. Defendants presently have insufficient knowledge or information on which to form
6 a belief as to whether they may have additional, as yet unstated, affirmative defenses available.
7 Defendants reserve the right to assert additional defenses in the event that discovery indicates
8 they would be appropriate.

9
10 WHEREFORE, Defendants pray that this Court enter judgment:

- 11 1. Dismissing Plaintiff's Complaint in its entirety with prejudice;
12 2. Awarding Defendants their attorneys' fees and costs in this action; and
13 3. For any other relief this Court may deem just and proper.

14
15
16 Dated: July 7, 2013

MANATT, PHELPS & PHILLIPS, LLP

17
18 By: 

SANDRA R. KING

Attorneys for Defendants

TESORO REFINING AND MARKETING CO.,
21 LLC; TESORO COMPANIES, INC.; ERNIE
22 CARMONA; and VICTOR GUERRERO

23
24 312371888.1

PROOF OF SERVICE

I, Beverly A. Stanfield, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years, and not a party to the within action; my business address is 11355 West Olympic Boulevard, Los Angeles, California 90064-1614.

On July 8, 2014, I served the foregoing document described as:

DEFENDANTS' ANSWER TO UNVERIFIED COMPLAINT

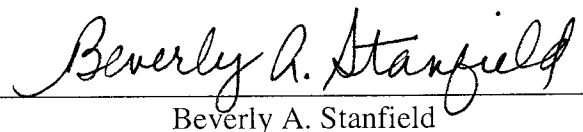
on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Carney R. Shegerian, Esq.
SHEGERIAN & ASSOCIATES, INC.
225 Arizona Avenue, Suite 400
Santa Monica, CA 90401
Telephone: (310) 860-0770
Facsimile: (310) 860-0771

☒ (BY MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 8, 2014, at Los Angeles, California.



Beverly A. Stanfield

EXHIBIT D

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Carney R. Shegerian, Esq. (SBN. 150461) Shegerian & Associates, Inc. 225 Arizona Avenue, Suite 400 Santa Monica, CA 90401 TELEPHONE NO.: (310)860-0770 FAX NO. (Optional): (310)860-0771 E-MAIL ADDRESS (Optional): CShegerian@Shegerianlaw.com ATTORNEY FOR (Name): Plaintiff, Shari Lawton	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 110 North Grand Ave MAILING ADDRESS: 110 North Grand Ave CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse	CASE NUMBER: BC 546613
PLAINTIFF/PETITIONER: Shari Lawton DEFENDANT/RESPONDENT: Tesoro Refining and Marketing Co., et al.	
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: August 27, 2014 Time: 8:30 a.m. Dept.: 45 Div.: Room: Address of court (if different from the address above): <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. ☒ This statement is submitted by party (name): Plaintiff, Shari Lawton
 - b. ☐ This statement is submitted jointly by parties (names):

2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date): May 23, 2014
 - b. ☐ The cross-complaint, if any, was filed on (date):

3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. **Description of case**
 - a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):

Discrimination on the basis of race in violation of FEHA; Harassment on the basis of race in violation of FEHA; Retaliation for complaining of discrimination and/or harassment on the basis of race in violation of FEHA; Discrimination on the basis of disability in violation of FEHA; Harassment on the basis of disability in violation of FEHA; Retaliation for complaining of discrimination and/or harassment on the basis of disability in violation of FEHA; Failure to engage in timely and good faith interactive process in violation of FEHA; Discrimination on the basis of taking CFRA leave; Harassment on the basis of taking CFRA leave; Retaliation for taking CFRA leave; Discrimination on the basis of gender in violation of FEHA; Harassment on the basis of gender in violation of FEHA; Retaliation for complaining of discrimination and/or harassment on the basis of gender in violation of FEHA; Sexual harassment in violation of FEHA; Retaliation for complaining of sexual harassment in violation of FEHA; Failure to prevent discrimination, harassment, and retaliation in violation of FEHA; Intentional infliction of emotional distress; Negligent hiring, supervision, and retention; Wrongful constructive termination in violation of public policy (violation of labor code § 1102.5, FEHA); Defamation; Violation of Labor Code 1102.5; Invasion of privacy

PLAINTIFF/PETITIONER: Shari Lawton	CASE NUMBER:
DEFENDANT/RESPONDENT: Tesoro Refining and Marketing Co., et al	BC 546613

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

This case is a discrimination on the basis of race in violation of FEHA, harassment on the basis of race in violation of FEHA, retaliation for complaining of discrimination and/or harassment on the basis of race in violation of FEHA, discrimination on the basis of disability in violation of FEHA, harassment on the basis of disability in violation of FEHA, retaliation for complaining of discrimination and/or harassment on the basis of disability in violation of FEHA, failure to provide reasonable accommodation in violation of FEHA, failure to engage in timely and good faith interactive process in violation of FEHA, discrimination on the basis of taking CFRA leave, harassment on the basis of taking CFRA leave, retaliation for taking CFRA leave, discrimination on the basis of gender in violation of FEHA, harassment on the basis of gender in violation of FEHA, retaliation for complaining of discrimination and/or harassment on the basis of gender in violation of FEHA, sexual harassment in violation of FEHA, retaliation for complaining of sexual harassment in violation of FEHA, failure to prevent discrimination, harassment, and retaliation in violation of FEHA, intentional infliction of emotional distress, negligent hiring, supervision, and retention, wrongful constructive termination in violation of public policy (violation of labor code § 1102.5, FEHA), defamation, violation of Labor Code 1102.5, invasion of privacy case brought by Plaintiff Shari Lawton against defendant Tesoro Refining and Marketing Co., et al. and 1 Does to 100 inclusive. Plaintiff is suing for monetary relief.

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☒ a jury trial ☐ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 15-16

b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

The amount at issue exceeds \$50,000 per CRC 3.811(b)(8)

PLAINTIFF/PETITIONER: Shari Lawton	CASE NUMBER:
DEFENDANT/RESPONDENT: Tesoro Refining and Marketing Co., et al	BC 546613

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

CM-110

PLAINTIFF/PETITIONER: Shari Lawton	CASE NUMBER:
DEFENDANT/RESPONDENT: Tesoro Refining and Marketing Co., et al	BC 546613

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☐ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------------------|---------------|
| Plaintiff | Written Discovery/ depositions | November 2014 |

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: Shari Lawton	CASE NUMBER:
DEFENDANT/RESPONDENT: Tesoro Refining and Marketing Co., et al	BC 546613

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: August 12, 2014

Carney R. Shegerian, Esq.

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

LAWTON V TESORO**LASC CASE NO.: BC 546613****PROOF OF SERVICE****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am an employee in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 225 Arizona Avenue, Suite 400, Santa Monica, California 90401.

On August 12, 2014, I served the foregoing document, described as "**CASE MANAGEMENT STATEMENT**" on all interested parties in this action by placing a true copy thereof in a sealed envelope, addressed as follows:

Sandra R. King, Esq.
MANATT, PHELPS & PHILLIPS, LLP
11355 West Olympic Boulevard
Los Angeles, California 90064

☒ **(BY MAIL)** As follows:

☒ I placed such envelope, with postage thereon prepaid, in the United States mail at Santa Monica, California.

☒ I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Santa Monica, California, in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the attorney at the offices of the addressee.

☐ **(BY ELECTRONIC MAIL)** I sent such document via facsimile mail to the number(s) noted above.

☐ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

☒ **(STATE)** I declare, under penalty of perjury under the laws of the State of California, that the above is true and correct.

Executed on August 12, 2014, at Santa Monica, California.

 Valeria Mauser

EXHIBIT E

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Sandra R. King (SBN 106784) MANATT, PHELPS & PHILLIPS, LLP 11355 West Olympic Boulevard Los Angeles, CA 90064 TELEPHONE NO.: (310) 312-4000 FAX NO. (Optional): (310) 312-4224 E-MAIL ADDRESS (Optional): sking@manatt.com ATTORNEY FOR (Name): Defendant TESORO REFINING AND MARKETING CO.	FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles AUG 12 2014 Sherri R. Carter, Executive Officer/Clerk By Raul Sanchez, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: SHARI LAWTON DEFENDANT/RESPONDENT: TESORO REFINING AND MARKETING CO.; et. al	
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	CASE NUMBER: BC546613
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: August 27, 2014 Time: 8:30 a.m. Dept.: 45 Div.: Room: Address of court (if different from the address above): <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. ☒ This statement is submitted by party (name): Defendant TESORO REFINING AND MARKETING CO. LLC; TESORO COMPANIES, INC.; ERNIE CARMONA; and VICTOR GUERRERO
 - b. ☐ This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date): May 23, 2014
 - b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. ☐ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
4. **Description of case**
 - a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
 Race Discrimination; Harassment; Retaliation; Disability Discrimination; Failure to Accommodate; Failure of Interactive Process; Gender Discrimination; Wrongful Termination; Defamation; Invasion of Privacy

PLAINTIFF/PETITIONER: SHARI LAWTON	CASE NUMBER: BC546613
DEFENDANT/RESPONDENT: TESORO REFINING AND MARKETING CO.; et. al.	

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*
 Defendant denies all of Plaintiff's allegations.

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. ☐ The trial has been set for *(date)*:
 b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:
 c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:
 Please see attached.

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

- a. ☒ days *(specify number)*: 4-5
 b. ☐ hours *(short causes) (specify)*:

8. **Trial representation** *(to be answered for each party)*

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
 b. Firm:
 c. Address:
 d. Telephone number:
 e. E-mail address:
 f. Fax number:
 g. Party represented:
☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

- a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation** (if available).

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:



PLAINTIFF/PETITIONER: SHARI LAWTON	CASE NUMBER: BC546613
DEFENDANT/RESPONDENT: TESORO REFINING AND MARKETING CO.; et. al.	

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input checked="" type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: SHARI LAWTON	CASE NUMBER: BC546613
DEFENDANT/RESPONDENT: TESORO REFINING AND MARKETING CO.; et. al.	

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*): Not applicable at this time.
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☒ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):
Punitive damages.

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
Defendant will be analyzing the possibility of filing a Motion for Summary Judgment or Summary Adjudication of Issues as discovery progresses.

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant	Written Discovery	120 days
Defendant	Deposition of Plaintiff	September 2014
Defendant	Third Party Depositions	120 days

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: SHARI LAWTON	CASE NUMBER: BC546613
DEFENDANT/RESPONDENT: TESORO REFINING AND MARKETING CO.,; et. al.	

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

20. Total number of pages attached (*if any*): 1

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: August 11, 2014

Sandra R. King, Manatt, Phelps & Phillips, LLP

(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY OR ATTORNEY)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

ATTACHMENT TO QUESTION 6c.

December 19, 2014 – January 16, 2015 – Traveling out of state and Trial; March 16 – March 30, 2015 – Trial; April 13 – April 27, 2015 – Trial; July 1 – July 20, 2015 – Trial

312680935.1

PROOF OF SERVICE

I, Judy L. Feingold, declare as follows:

I am employed in Los Angeles County, Los Angeles, California. I am over the age of eighteen years and not a party to this action. My business address is MANATT, PHELPS & PHILLIPS, LLP, 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On August 12, 2014, I served the within:

CASE MANAGEMENT STATEMENT

on the interested parties in this action addressed as follows:

Carney R. Shegarian, Esq.
Shegarian & Associates, Inc.
225 Arizona Avenue, Suite 400
Santa Monica, CA 90401



(BY MAIL) By placing such document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Manatt, Phelps & Phillips, LLP, Los Angeles, California following ordinary business practice. I am readily familiar with the practice at Manatt, Phelps & Phillips, LLP for collection and processing of correspondence for mailing with the United States Postal Service, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 12, 2014, at Los Angeles, California.

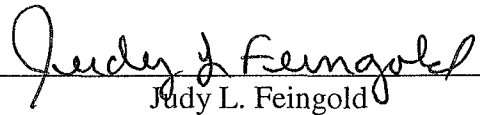

Judy L. Feingold

EXHIBIT F

MANATT, PHELPS & PHILLIPS, LLP
SANDRA R. KING (Bar No. CA 106784)
sking@manatt.com
OLUFUNMILAYO O. SHOWOLE (BAR NO. CA 293780)
oshowole@manatt.com
11355 West Olympic Boulevard
Los Angeles, CA 90064-1614
Telephone: (310) 312-4000
Facsimile: (310) 312-4224

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 27 2014

Sherri R. Carter, Executive Officer/Clerk
By Daniel Haro, Deputy

Attorneys for Defendants
TESORO REFINING AND MARKETING CO., LLC; TESORO
COMPANIES, INC.; ERNIE CARMONA; and VICTOR GUERRERO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

SHARI LAWTON,

Plaintiff,

vs.

TESORO REFINING AND MARKETING
CO., LLC; TESORO COMPANIES, INC.;
ERNIE CARMONA; VICTOR
GUERRERO and DOES 1-100, inclusive;

Defendants.

Case No.: BC546613

[Assigned to the Honorable Mel Red Recana,
Department 45]

**STIPULATION AND [PROPOSED]
PROTECTIVE ORDER**

Complaint Filed: May 23, 2014

Plaintiff SHARI LAWTON, and Defendants, TESORO REFINING AND
MARKETING CO., LLC; TESORO COMPANIES, INC.; ERNIE CARMONA; and VICTOR
GUERRERO, by and through their respective counsel of record, stipulate and agree as follows:

1. Any documents produced or otherwise disclosed by a Party in this action which
are, in good faith, determined by the producing party to contain confidential or proprietary

1 information, including, but not limited to, financial information, trade secrets, personnel, medical
 2 and payroll information, or other similarly protected non-public information, may be designated
 3 as confidential, and so marked by stamping each page of the document "Confidential."

4
 5 2. When used in this Order, the word "documents" means all written, recorded or
 6 graphic matter however created and whatever the medium on which it was produced or
 7 reproduced, including, but not limited to, documents produced by agreement, and deposition
 8 transcripts and exhibits.

9
 10 3. All Confidential documents and all information contained therein, shall be used by
 11 the party to whom the documents are disclosed solely for the prosecution and/or defense of this
 12 action, and shall not be further disseminated, except as specifically agreed upon in writing by
 13 counsel for both Parties.

14
 15 4. At all times during the course of the litigation of this action, documents designated
 16 as Confidential shall be maintained in a manner that will preserve the confidentiality of the
 17 Confidential documents. If any Confidential Material is included in any papers or transcripts
 18 which are filed with the Court, such papers or transcripts shall be held by the Court in such a
 19 manner as to prevent any disclosure thereof, and shall be disclosed only pursuant to an Order of
 20 the Court.

21
 22 5. Except with prior written consent of the Party asserting confidential treatment,
 23 Confidential documents and the information contained therein may be disclosed only to the
 24 following persons:

- 25 a) The Parties to this litigation;
- 26 b) Counsel and their employees for the respective Parties to this litigation. Counsel
 27 shall be responsible for ensuring that his or her partners, associates and employees
 28 who are involved in the representation of a party in this case, and/or who have

access to discovery in this case, are informed of the terms of this Order and agree to abide by said terms.

- c) Judges of the Los Angeles Superior Court, and their employees;
- d) Employees, officers and directors of the respective Parties whose review of any such information shown to them is required for the conduct of the litigation;
- e) Jury consultants, graphic vendors, and independent experts and/or consultants of any party to this litigation who have been retained to perform work for counsel in connection with this litigation;
- f) Persons whose names appear on the documents or information being disclosed as authors or recipients thereof who are otherwise shown to have authored, prepared, or previously received the information in any form;
- g) Such other persons as hereafter may be designated by written agreement between the Parties to this Order, by consent of the designating party, or by Order of the Court upon noticed motion; and
- h) Members of the Jury.

6. With the exception of the Court, all persons receiving Confidential documents shall be required, before receiving any such material, to sign a Certification in the form attached hereto as Exhibit A. All persons receiving Confidential documents shall also agree to take necessary measures to maintain the confidentiality of Confidential documents. Counsel for each party shall retain the original signed Certification which they obtained from persons with whom they share Confidential Material.

7. Documents designated Confidential, and information derived therefrom, may be referred to in discovery responses and requests, motions, briefs and other court papers, and may be used in depositions. Such documents shall be treated as "Confidential" in all such proceedings.

To the extent Confidential documents are filed with the Court, they shall be filed

1 pursuant to California Rules of Court, Rules 2.550 and 2.551.

2
3 8. This Stipulation is entered into solely for the purpose of facilitating the pre-trial
4 exchange of information between the Parties to the Action without involving the Court
5 unnecessarily in the process. Nothing in this Stipulation, nor the production of any information
6 under its terms, nor any proceeding undertaken pursuant hereto, shall be deemed to have the
7 effect of an admission or waiver by any Party of, or otherwise deemed to alter the confidentiality
8 or non-confidentiality of, any information. Nor shall compliance with this Stipulation operate as
9 an admission as to the admissibility of any information.

10
11 9. The Parties shall confer in good faith prior to trial in order to devise protective
12 procedures to be applicable at trial that are satisfactory to the Court.

13
14 10. This Stipulation is without prejudice to the right of any Party: (a) to apply to the
15 Court for a further protective order relating to any material designated as Confidential or relating
16 to any discovery in this litigation; (b) to object to the production of documents it considers not
17 subject to discovery; or (c) to apply to the Court for an order compelling production of documents
18 or modifications to this Stipulation or for any order permitting disclosure of Confidential material
19 beyond the terms of this Stipulation.

20
21 11. Inadvertent production by a Party of Confidential material without proper
22 designation at the time of disclosure shall not be deemed a waiver of any claim of confidentiality
23 as to such matter. The Party seeking protection of the Confidential material shall properly
24 designate or re-designate the Confidential material by written notice to the other Party within ten
25 (10) days of the production or within ten (10) days of learning of the inadvertent production,
26 whichever is later.

27
28 12. At the conclusion of the litigation of this action, or upon settlement or dismissal,

1 documents designated as Confidential, and all copies of such documents (other than exhibits of
2 record) shall be maintained in a manner that will preserve the confidentiality of the Confidential
3 documents. Nothing in this Order shall prevent any Party to this action from moving the Court to
4 remove the Confidential designation from a particular document, from seeking modification of
5 this Order, from designating already-produced documents as Confidential, or from objecting to
6 discovery which a party believes to be otherwise improper.

7 Within a reasonable amount of time following conclusion of the litigation,
8 settlement or dismissal, the attorneys of record shall assemble work product materials which
9 make reference to any such Confidential documents and either destroy such materials or excise
10 and destroy the portions thereof containing such Confidential documents; or, alternatively, retain
11 such materials in a manner that will preserve the confidentiality of the Confidential documents.

12 13. If any documents, information or testimony designated as Confidential by a
13 disclosing Party, but are not believed to be Confidential by the Party receiving them, the receiving
14 Party shall notify the disclosing Party within 21 days of the production and request a written
15 release from the confidential treatment hereunder. If such written release is not forthcoming
16 within ten (10) business days thereafter, the receiving Party may move the Court for an order
17 requiring the release of confidential treatment. Prior to making such a motion, the receiving
18 Party shall contact the disclosing Party, and the Parties shall confer in good faith in an effort to
19 resolve the dispute. The information shall continue to be treated as Confidential under this Order
20 unless and until the Court rules otherwise.

21
22 14. Nothing in this Order shall prevent or otherwise restrict counsel from rendering
23 advice to his/her client and, in the course thereof, relying generally on his/her examination of
24 items designated as Confidential.

25
26 SO STIPULATED.

1 DATED: 8/19/2014

2
3 By Irving Meyer
4 **Shegerian & Associates, Inc.**
5 Attorneys for Plaintiff

DATED: 8/19/2014

By Sandra King
Sandra King
MANATT, PHELPS & PHILIPS
Attorneys for Defendants

6
7
8 IT IS SO ORDERED:

9
10 DATE: AUG 27 2014

Mel Red Recana
Honorable Mel Red Recana

EXHIBIT A

CERTIFICATION OF COMPLIANCE WITH STIPULATION OF CONFIDENTIALITY

I, _____, certify my understanding that information deemed confidential is being provided to me pursuant to the terms and restrictions of the Stipulation dated _____, 2014 in the case of *Shari Lawton v. Tesoro Refining and Marketing Co., LLC, et al.*, L.A.S.C. Case No. BC546613, and that I have received a copy of and have read that Stipulation and agree to be bound by it. I understand that all such confidential information and copies of descriptions thereof, including but not limited to any notes or other transcriptions made therefrom, shall be returned to counsel for _____ no later than thirty (30) days after the termination of this case.

Dated: _____

Signed: _____

312670452.3

PROOF OF SERVICE

I, Beverly A. Stanfield declare as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to this action. My business address is 11355 West Olympic Boulevard, Los Angeles, California 90064-1614.

On August 20, 2014, I served the foregoing document described as:

STIPULATION AND [PROPOSED] PROTECTIVE ORDER

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Irving Meyer, Esq. (irvnosh@cs.com) *Attorney for Plaintiff*
225 Arizona Avenue, Suite 400 Shari Lawton
Santa Monica, CA 90401
Tel: (213) 237-9999
Fax: (310) 860-0771

☒ (BY U.S. MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 20, 2014, at Los Angeles, California.

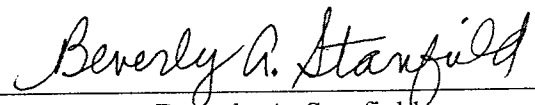

Beverly A. Stanfield

EXHIBIT G

MANATT, PHELPS & PHILLIPS, LLP
SANDRA R. KING (Bar No. CA 106784)
ALISON S. WHITE (Bar No. CA 240367)
OLUFUNMILAYO O. SHOWOLE (Bar No. CA 293780)
11355 West Olympic Boulevard
Los Angeles, California 90064-1614
Telephone: (310) 312-4000
Facsimile: (310) 312-4224

Attorneys for Defendants
TESORO REFINING & MARKETING COMPANY LLC, TESORO
COMPANIES, INC., ERNIE CARMONA and VICTOR GUERRERO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

SHARI LAWTON,

Plaintiff,

vs.

TESORO REFINING AND MARKETING
CO., LLC, TESORO COMPANIES, INC.,
TESORO PETROLEUM, INC., ERNIE
CARMONA, VICTOR GUERRERO, and
DOES 1 to 100, inclusive,

Defendants.

Case No. BC 546613

**NOTICE OF ORDER CONTINUING
TRIAL DATE**

Dept.: 45

**TO THE COURT AND TO PLAINTIFF AND HER ATTORNEYS OF
RECORD: PLEASE TAKE NOTICE** that on September 17, 2014 at 8:30 a.m., an ex parte
application for an Order to Set Summary Judgment Hearing was heard in Department 45 of the
above-entitled Court. Irving Meyer appeared on behalf of Plaintiff Shari Lawton and Alison S.
White appeared on behalf of Defendants Tesoro Refining and Marketing Company LLC, Tesoro
Companies, Inc., Ernie Carmona and Victor Guerrero ("Defendants").

The Court set a hearing date of June 11, 2015 for Defendants' summary judgment
motion. The court also continued the FSC/MSJ to July 16, 2015, and the trial to July 20, 2015.

//

//

Defendant was ordered to serve and file this notice.

Dated: September 23, 2014

MANATT, PHELPS & PHILLIPS, LLP

By: 

Alison S. White

Attorneys for Defendants

TESORO REFINING & MARKETING COMPANY
LLC, TESORO COMPANIES, INC., ERNIE
CARMONA and VICTOR GUERRERO

PROOF OF SERVICE

I, Betty Nash, declare as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to this action. My business address is 11355 West Olympic Boulevard, Los Angeles, California 90064-1614.

On September 24, 2014, I served the foregoing document described as:

NOTICE OF ORDER CONTINUING TRIAL DATE

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope

Carney R. Shegerian, Esq.
Shegerian & Associates, Inc.
225 Arizona Avenue, Suite 400
Santa Monica, CA 90401
cshegerian@shegerianlaw.com
hconniff@shegerianlaw.com

Attorney for Plaintiff
Shari Lawton



(BY U.S. MAIL) I am "readily familiar" with the practice at Manatt, Phelps & Phillips, LLP for collection and processing of correspondence for mailing. Under that practice it would be deposited with the United States Postal Service, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 24, 2014, at Los Angeles, California.

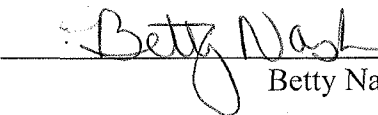

Betty Nash

EXHIBIT H

1 MANATT, PHELPS & PHILLIPS, LLP
2 SANDRA R. KING (Bar No. CA 106784)
3 ALISON S. WHITE (Bar No. CA 240367)
4 OLUFUNMILAYO O. SHOWOLE (Bar No. CA 293780)
5 11355 West Olympic Boulevard
6 Los Angeles, CA 90064-1614
7 Telephone: (310) 312-4000
8 Facsimile: (310) 312-4224

9 Attorneys for Defendants
10 TESORO REFINING & MARKETING COMPANY LLC, TESORO
11 COMPANIES, INC., ERNIE CARMONA and VICTOR GUERRERO

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

14 SHARI LAWTON,

15 Plaintiff,

16 vs.

17 TESORO REFINING AND MARKETING
18 CO., LLC, TESORO COMPANIES, INC.,
19 TESORO PETROLEUM, INC., ERNIE
20 CARMONA, VICTOR GUERRERO, and
21 DOES 1 to 100, inclusive,

22 Defendants.

Case No. BC 546613

**STIPULATION TO DISMISS DEFENDANT
TESORO PETROLEUM, INC. WITH
PREJUDICE**

Dept.: 45

AND ORDER

23 TO THE COURT, ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF
24 RECORD:

25 Plaintiff Shari Lawton and Defendants Tesoro Refining & Marketing Company
26 LLC, Tesoro Companies, Inc., Ernie Carmona, and Victor Guerrero, by and through their counsel
27 of record, hereby stipulate as follows:

28 WHEREAS, counsel for Defendants has advised counsel for the Plaintiff that
"Tesoro Petroleum, Inc." has been misnamed as a defendant in this litigation because it does not
exist as a legal entity.

//

313274453.2

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

DEC 11 2014

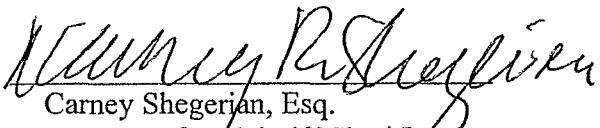
Sherri R. Carter, Executive Officer/Clerk
By Daniel Haro, Deputy

Based on these facts, counsel for Plaintiff has agreed to dismiss Tesoro Petroleum, Inc. from the current lawsuit with prejudice. Defendants waive their right to pursue any attorneys' fees and costs incurred as a result of obtaining the dismissal to which the parties have stipulated herein.

IT IS TO STIPULATED.


Dated: November 14, 2014

SHEGERIAN & ASSOCIATES, INC.

By: 
Carney Shegerian, Esq.
Attorneys for Plaintiff Shari Lawton

Dated: November 13, 2014

MANATT, PHELPS & PHILLIPS, LLP

By: 
Sandra R. King
Attorneys for Defendants Tesoro Refining & Marketing Company LLC, Tesoro Companies, Inc., Ernie Carmona, and Victor Guerrero

IT IS SO ORDERED.

Dated: DEC 11 2014 2014

By: 

Judge of the Superior Court

PROOF OF SERVICE

I, Judy L. Feingold, declare as follows:

I am employed in Los Angeles County, Los Angeles, California. I am over the age of eighteen years and not a party to this action. My business address is MANATT, PHELPS & PHILLIPS, LLP, 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On **November 17, 2014**, I served the within:

**STIPULATION TO DISMISS DEFENDANT TESORO
PETROLEUM, INC. WITH PREJUDICE**

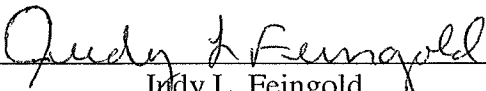
on the interested parties in this action addressed as follows:

Carney R. Shegarian, Esq.
Shegarian & Associates, Inc.
225 Arizona Avenue, Suite 400
Santa Monica, CA 90401



(BY MAIL) By placing such document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Manatt, Phelps & Phillips, LLP, Los Angeles, California following ordinary business practice. I am readily familiar with the practice at Manatt, Phelps & Phillips, LLP for collection and processing of correspondence for mailing with the United States Postal Service, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **November 17, 2014**, at Los Angeles, California.


Judy L. Feingold

PROOF OF SERVICE

I, Judy L. Feingold, declare as follows:

I am employed in Los Angeles County, Los Angeles, California. I am over the age of eighteen years and not a party to this action. My business address is MANATT, PHELPS & PHILLIPS, LLP, 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On **December 12, 2014**, I served the within:

STIPULATION TO DISMISS DEFENDANT TESORO PETROLEUM, INC. WITH PREJUDICE AND ORDER (filed December 11, 2014)

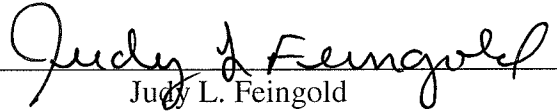
on the interested parties in this action addressed as follows:

Carney R. Shegarian, Esq.
Shegarian & Associates, Inc.
225 Arizona Avenue, Suite 400
Santa Monica, CA 90401



(BY MAIL) By placing such document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Manatt, Phelps & Phillips, LLP, Los Angeles, California following ordinary business practice. I am readily familiar with the practice at Manatt, Phelps & Phillips, LLP for collection and processing of correspondence for mailing with the United States Postal Service, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **December 12, 2014**, at Los Angeles, California.


Judy L. Feingold